IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

ORDER

SB CIVIL WRIT PETITION NO.6742/1993
Gopendra Singh Bhadoria
V/s
Rajasthan State Electricity Board, Jaipur & anr.

Date of Order : : 9.10.2006

PRESENT
HON'BLE MR. JUSTICE P.S. ASOPA

Mr.Arun Sharma, for the petitioner.
Mr.B.P.S. Tanwar, for the respondents.

By the instant writ petition, the petitioner has prayed for setting aside the action of the respondents in imposing penalty of deducting penal rent of the quarter retained by him after transfer at the rate of four times of the standard rent as given in Annexure-2 and has further prayed for restraining the respondents from making any deduction from the salary on this ground.

The petitioner was transferred to Raniwada on 15th July, 1992 and was relieved on 25th July, 1992. By that time, the petitioner's two children had taken admission at Kota and it was not possible for him to shift them during the said academic session. It is further stated by the petitioner that by that time, the quarters at Raniwada were not complete and were not being allotted to the employees. During

continuation of possession of quarter, the petitioner has not taken other quarter at Raniwada. The rent of quarter was Rs.731/- per month, but the respondents have demanded four times rent of the said standard rent as Rs.2974/- per month.

Apart from the above factual aspect, submission of counsel for the petitioner is that the Board used to permit the employees to retain the quarter after considering their hardship as would be evident from the order dated 17.11.1992 (Annexure-5) whereby four employees have been allowed to retain the quarter, but in his case, he was not allowed to retain the quarter. The educational facilities were better at Kota. The submission of counsel for the petitioner is that discretion has been exercised by the Board of charging penal rent in arbitrary manner.

The submission of counsel for the respondent Board is that since the transfer was at the beginning of the academic session, therefore, the petitioner ought to have shifted his family and vacated the quarter. The respondents were justified in demanding four times penalty as per Rajasthan State Electricity Board (Determination and recovery of Rent of Residential Accommodation) Regulations, 1980. Further submission of the counsel for respondent is that since the petitioner was

transferred at the beginning of the academic session, he was rightly not granted the time to retain the quarter at the standard rent.

Heard learned counsel for the parties and gone through the record of the case and further considered rival submissions of the parties.

In my view, considering the hardship of the petitioner as well as the fact of not asking for any accommodation at Raniwada, the petitioner ought to have allowed some reasonable time to retain the quarter, at least till the end of the academic session. The authorities have not exercised their discretion of extending the time in the case of petitioner.

In this view of the matter, the demand of penal rent from August, 1992 to May, 1993 is quashed and set aside and demand for rest of the period is maintained.

The writ petition stands disposed of accordingly.

(P.S. ASOPA) J.

ummed/-